

LAWRENCE VERLINE WILDER, SR.,
Plaintiff,
v.
CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

On February 27, 2015, Lawrence Verline Wilder (“Wilder” or “plaintiff”) filed an application to proceed in forma pauperis and a proposed complaint [D.E. 1]. On March 30, 2015, the court referred plaintiff’s application and proposed complaint to Magistrate Judge Gates for a Memorandum and Recommendation (“M&R”) [D.E. 2]. On August 7, 2015, plaintiff filed a motion to amend his complaint, motion for appointed counsel, and motion for a hearing [D.E. 3]. On February 26, 2016, Magistrate Judge Gates issued an order granting the motion to amend, denying the motion to appoint counsel, and denying the motion for a hearing [D.E. 4].

On March 4, 2016, Wilder appealed Magistrate Gates's order to the United States Court of Appeals for the Fourth Circuit [D.E. 5]. On October 3, 2016, the United States Court of Appeals for the Fourth Circuit dismissed Wilder's appeal for lack of jurisdiction [D.E. 8]. See Wilder v. Colvin, No. 16-1241, 2016 WL 5682573 (4th Cir. Oct. 3, 2016) (per curiam) (unpublished).

On November 7, 2016, Magistrate Judge Gates issued an M&R and recommended that plaintiff's application to proceed in forma pauperis be allowed and that plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted [D.E. 10]. Plaintiff did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s application to proceed in forma pauperis is GRANTED, and plaintiff’s complaint is DISMISSED. The clerk shall close the case.

SO ORDERED. This 28 day of December 2016.


JAMES C. DEVER III
Chief United States District Judge